

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2006 NOV -7 P 4:19

PATRICK BAILEY,

Plaintiff,

VS.

MILTOPE CORPORATION,

Defendant.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO. 2.05-cv-1061-MEF

**NOTICE OF SETTLEMENT CONFERENCE AND MEDIATION
STATUS**

COMES NOW, the Plaintiff, PATRICK BAILEY, by and through his attorney of record, Derrick Blythe, who gives notice to the Court concerning the settlement conference of October 26, 2006 and status of mediation and offers the following in support of said notice, to wit:

1. A face to face meeting was conducted on October 26, 2006 between Plaintiff's counsel and Defense counsel wherein the issues and facts of the case were discussed in depth by both sides resulting in candid evaluations of each side's position.

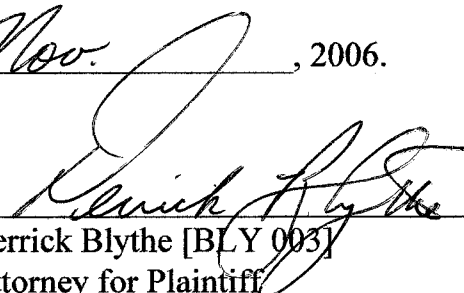
2. Offers of settlement were exchanged by counsel and are still pending and have not been rejected at this time.

3. While Plaintiff's counsel is not opposed to open face to face mediation regularly, said counsel is of the opinion that such in this case would be futile as there has been no indication that the parties can reach a settlement at this point.

4. Plaintiff's counsel inadvertently failed to include the required noticing from the scheduling order in his calendar and inadvertently failed to file said notice in a timely manner. Plaintiff's counsel apologizes for any inconvenience

which may have been caused to opposing counsel or the Court. Plaintiff's counsel would ask the Court to consider this and not impose any sanctions against the Plaintiff or Plaintiff's counsel for this inadvertent mistake. Plaintiff's counsel became so consumed with facilitating the actual face to face scheduling conference that the filing of the notice was inadvertently overlooked as previously described. Plaintiff's counsel again apologizes for any inconvenience to the Court or defense counsel.

DATED this the 7 day of Nov., 2006.


Derrick Blythe [BLY 003]
Attorney for Plaintiff
126 Marshall Street
Alexander City, Alabama 35010
(256) 234-4101

Certificate of Service

I hereby certify that I have served a copy of the foregoing document on each of the following by sending a copy of same by first class U.S. Mail, postage prepaid and properly addressed to Johnston, Barton, Proctor & Powell, LLP, Attn.: Heather Lindsay, 1901 Sixth Avenue North, Suite 2900, Birmingham, Alabama 35203 on this the 7 day of Nov., 2006.


Of Counsel